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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,711	08/25/2003	Hiroshi Nomura	P23684	9823

7055 7590 08/24/2004

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

GRAY, DAVID M

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,711

Applicant(s)

NOMURA, HIROSHI

Examiner

David M Gray

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6 is/are rejected.
- 7) ☒ Claim(s) 4,5 and 7-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/11/04, 05/04/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Nomura et al., Patent Application Publication 2002/0135898.

Nomura et al. discloses “a pair of rotatable rings [15, 31], adjacent ends of which are opposed to each other in a rotational axis direction extending in an optical axis direction [see figure 1]; at least one axial-direction projection extending in said rotational axis direction [portion adjacent 15d]; at least one axial-direction recess in which said axial-direction projection is positioned [the space between projections 31a], said axial-direction projection and said axial-direction recess respectively located on one and the other of said adjacent ends of said pair of rotatable rings; at least one rotation transfer groove located on an inner peripheral surface of the one of said pair of rotatable rings that has said axial-direction projection [C1], wherein a circumferential position of said rotation transfer groove corresponds to a circumferential position of said axial-direction projection, such that a portion of said rotation transfer groove in said rotational axis direction is associated with said axial-direction projection [C1 extends into the portion adjacent 15d]; a driven rotational member [18 or 19] having at least one rotation transfer protrusion engaged in said rotation transfer groove [18f or 19f], said rotation transfer protrusion slidably movable in said rotation transfer groove in said rotational axis direction and configured

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to transmit rotation of said rotatable ring to said driven rotational member [see section 0077]; and at least one optical element configured to be driven by said driven rotational member [first lens group or second lens group].”

Regarding claim 2, Nomura et al. discloses “said axial-direction projection [portion adjacent 15d] engages said axial-direction recess [portion between projections 31a] to transfer rotation of said one of the pair of rotatable rings directly to the other of the pair of rotatable rings having the axial-direction recess [see section 0085].”

Regarding claim 3, Nomura et al. discloses plural “rotation transfer grooves”, “rotation transfer protrusions”, “axial-direction projections” and “axial-direction recesses” that are located at circumferential positions 120 degrees apart.

Regarding claim 6, Nomura et al. discloses “said portion of said rotation transfer groove that is associated with said axial-direction projection is a slot that radially penetrates through said one of said pair of rotatable rings that has said axial-direction projection [C1e], and wherein a remaining portion of said rotation transfer groove is formed as a bottomed groove [C1A1 and C1A2].”

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Allowable Subject Matter

Claims 4, 5 and 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose or suggest "an advancing/retracting guide ring positioned inside said pair of rotatable rings so as not to be rotatable about said rotational axis of said pair of rotatable rings" in combination with the remaining claim elements as set forth in claims 4 and 5.

The prior art does not disclose or suggest "said driven rotational member comprises a cam ring having at least one cam groove" in combination with the remaining claim elements as set forth in claims 7 and 8.

The prior art does not disclose or suggest "one of said pair of rotatable rings is one of said plurality of external movable barrels" in combination with the remaining claim elements as set forth in claim 9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Gray whose telephone number is 571-272-2119. The examiner can normally be reached on M-T 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'D. Gray', with a large, stylized flourish at the end.

David M Gray
Primary Examiner
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